

SCANNED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MCI COMMUNICATIONS SERVICES,
INC., d/b/a VERIZON BUSINESS,

Plaintiff,

v.

URBAN FOUNDATION COMPANY, INC.,

Defendant.

Civil Action No. 08-cv-0036 (VM)

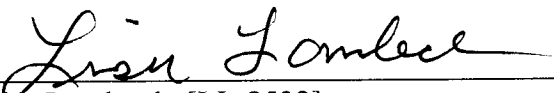
**NOTICE OF MOTION FOR ADMISSION
PRO HAC VICE OF KIMBERLY R. SCHUTZ
AND JAMES J. PROSZEK**

PLEASE TAKE NOTICE, that upon the annexed Declaration of Lisa Lombardo dated September 18, 2007, the annexed Declarations of Kimberly R. Schutz and James J. Proszek, dated September 13, 2007, and all attachments thereto, the undersigned, attorneys for Plaintiff MCI Communications Services, Inc., d/b/a Verizon Business will move this Court on submission at the United States District Court for the Southern District of New York, United States Courthouse, 500 Pearl Street, New York, New York 10007-1312, for an order pursuant to Local Civil Rule 1.3(c) of this Court granting Kimberly R. Schutz and James J. Proszek admission *pro hac vice* to this Court and for such other and further relief as this Court deems just and proper. There are no pending disciplinary proceedings against them in any state or federal court.

Dated: New York, New York
January 10, 2007

GIBBONS, P.C.
One Pennsylvania Plaza, 37th Floor
New York, NY 10119-3701
Telephone: (212) 649-4700
Attorneys for Plaintiff
MCI Communications Services, Inc. d/b/a Verizon Business

By:


Lisa Lombardo [LL-2532]

CERTIFICATE OF SERVICE

I hereby certify that on January 10, 2008, the foregoing document was filed with the Clerk of the Court in accordance with the Federal Rules of Civil Procedure and/or the Southern District's Local Rules, and/or the Southern District's Rules on Electronic Service.



Lisa Lombardo

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MCI COMMUNICATIONS SERVICES,
INC., d/b/a VERIZON BUSINESS,

Plaintiff,

v.

URBAN FOUNDATION COMPANY, INC.,

Defendant.

Civil Action No. 08-cv-0036 (VM)

**DECLARATION OF LISA LOMBARDO IN
SUPPORT OF ADMISSION PRO HAC VICE
OF JAMES J. PROSZEK AND KIMBERLY R.
SCHUTZ**

I, LISA LOMBARDO, hereby declare pursuant to 28 U.S.C. § 1746 as follows:

1. I am associated with the law firm of Gibbons P.C., counsel for Plaintiff MCI Communications Services, Inc., d/b/a Verizon Business.

2. I have been a member in good standing of the Bar of the State of New York since 2000 and of the United States District Court for the Southern District of New York since 2004. I respectfully submit this affirmation in support of the motion pursuant to Local Civil Rule 1.3 (c) of this Court for the admission pro hac vice of James J. Proszek and Kimberly R. Schutz, attorneys in the Tulsa, Oklahoma office of Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C.

3. Mr. Proszek has been admitted to practice law in the State of Oklahoma since 1983. Mr. Proszek is and has always been a member in good standing of the bars of the jurisdictions and courts in which he is admitted to practice. I have known Mr. Proszek during the course of this action and believe him to be of high moral character and extremely competent in the practice of law.

4. The Declaration of Mr. Proszek affirming his good standing for the state bar in which he is admitted is being filed herewith. His Certificate of Good Standing of the State of Oklahoma is attached to his accompanying affidavit.

5. Ms. Schutz has been admitted to practice law in the State of Oklahoma since 2000. Ms. Schutz is and has always been a member in good standing of the bars of the jurisdictions and courts in which she is admitted to practice. I have known Ms. Schutz during the course of this action and believe her to be of high moral character and extremely competent in the practice of law.

6. The Declaration of Ms. Schutz affirming her good standing for the state bar in which she is admitted is being filed herewith. Her Certificate of Good Standing of the State of Oklahoma is attached to his accompanying affidavit.

7. I further affirm that I am fully familiar with the facts of this case and will assist Mr. Proszek and Ms. Schutz in the preparation of this case.

WHEREFORE, I respectfully request that the Court admit James J. Proszek and Kimberly R. Schutz *pro hac vice* and thereby permit Mr. Proszek and Ms. Schutz to appear and to participate in all further proceedings in this case on behalf of the Plaintiff.

Dated: New York, New York
January 10, 2008

Respectfully submitted,



Lisa Lombardo [LL2532]

GIBBONS P.C.

One Pennsylvania Plaza, 37th Floor
New York, New York 10119-3017
Telephone: (212) 649-4700

Attorneys for Plaintiff

*MCI Communications Services, Inc., d/b/a Verizon
Business*

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MCI COMMUNICATIONS SERVICES,
INC., d/b/a VERIZON BUSINESS,

Plaintiffs,

v.

URBAN FOUNDATION COMPANY, INC.,

Defendants.

Civil Action No. 08-cv-00036

DECLARATION OF JAMES J. PROSZEK

I, James J. Proszek , hereby declare pursuant to 28 U.S.C. § 1746 as follows:

1. I submit this declaration in support of the application by MCI Communications Services, Inc., d/b/a Verizon Business ("VzB") for my admission as an attorney *pro hac vice*.

2. I am a citizen of the United States and a resident of the State of Oklahoma. I have been a member in good standing of the Bar of the State of Oklahoma since 1983. A copy of my certificate of good standing in Oklahoma is attached as Exhibit A. I am a member of the firm of Hall, Estill, Hardwick, Gable, Golden & Nelson and counsel to VzB in the pending litigation. My office is in the State of Oklahoma at 320 South Boston Avenue, Suite 400 Tulsa, Oklahoma 74103.

3. There is good cause to grant this application. Plaintiff VzB wishes me to be counsel on this matter because of my years of practice and experience. I have appeared as counsel in numerous cases in state courts and in the United States District Court for the Northern District of Oklahoma. I am fully familiar with the facts and legal issues of this case.

4. I have never been held in contempt of court, nor have I ever been censured, suspended or disbarred by any court.

5. I have read and am familiar with

- (a) the provisions of the Judicial Code which pertain to the jurisdiction of, and practice in, the United States District Courts;
- (b) the Federal Rules of Civil Procedure for the district courts;
- (c) the Rules of the United States District Court for the Southern District of New York;

- (d) the Federal Rules of Evidence for the United States Courts and Magistrates;
- (e) the Code of Professional Responsibility of the American Bar Association, and will faithfully adhere thereto.

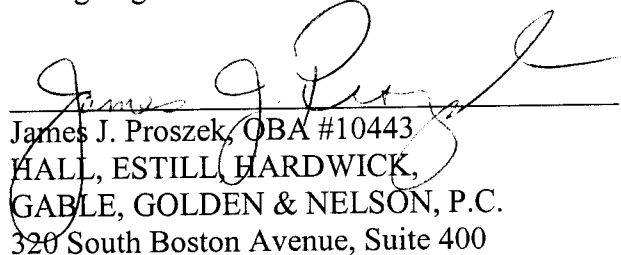
6. As a part of my admission *pro hac vice*, I agree:

- (a) to be bound by all procedural rules and disciplinary rules governing the practice of law before this Court;
- (b) to advise the Court if I cease to be a member in good standing of the Bar of the State of Oklahoma;
- (c) to continue to work with New York counsel throughout the course of this case; and
- (d) to follow New York customs of practice.

7. I respectfully request that I be admitted to practice before this Court *pro hac vice* on behalf of the Plaintiffs pursuant to the proposed order annexed hereto.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 1/2, 2008


James J. Proszek, OBA #10443
HALL, ESTILL, HARDWICK,
GABLE, GOLDEN & NELSON, P.C.
320 South Boston Avenue, Suite 400
Tulsa, Oklahoma 74103-3708
(918) 594-0400

*Attorneys For Plaintiff
MCI Communications Services, Inc. d/b/a
Verizon Business*

805745.1:915100:01426



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DAN MURDOCK
General Counsel

JANIS HUBBARD
First Asst. General Counsel

LORAIN D. FARABOW
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JANNA D. HALL
Asst. General Counsel

MARK A. DAVIDSON
Asst. General Counsel

ROBERT D. HANKS
Senior Investigator

SHARON ORTH
Investigator

DOROTHY WALOS
Investigator

CERTIFICATE

STATE OF OKLAHOMA)

COUNTY OF OKLAHOMA)

Dan Murdock, being duly sworn, deposes and says:

That he is the General Counsel of the Oklahoma Bar Association, under the Rules Creating and Controlling the Oklahoma Bar Association as adopted and promulgated by the Supreme Court of the State of Oklahoma, and as such has access to the records and files showing the date of admission and the standing of all attorneys admitted to practice by the Supreme Court.

That JAMES J. PROSZEK, OBA #10443, was admitted to the practice of law by the Supreme Court of Oklahoma on October 6, 1983, and is an active member in good standing of the Oklahoma Bar Association.

Dan Murdock, General Counsel

Subscribed and sworn to before me this 3rd day of January, 2008.

NOTARY PUBLIC

My Commission Expires:

January 8, 2011

Commission Number:

07000304



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MCI COMMUNICATIONS SERVICES,
INC., d/b/a VERIZON BUSINESS,

Plaintiffs,

v.

URBAN FOUNDATION COMPANY, INC.,

Defendants.

Civil Action No. 08-cv-00036

DECLARATION OF KIMBERLY R. SCHUTZ

I, Kimberly R. Schutz, hereby declare pursuant to 28 U.S.C. § 1746 as follows:

1. I submit this declaration in support of the application by Plaintiff MCI Communications Services, Inc., d/b/a Verizon Business ("VzB") for my admission as an attorney *pro hac vice*.

2. I am a citizen of the United States and a resident of the State of Oklahoma. I have been a member in good standing of the Bar of the State of Oklahoma since 2000. A copy of my certificate of good standing in Oklahoma is attached as Exhibit A. I am a member of the firm of Hall, Estill, Hardwick, Gable, Golden & Nelson and counsel to VzB in the pending litigation. My office is in the State of Oklahoma at 320 South Boston Avenue, Suite 400 Tulsa, Oklahoma 74103.

3. There is good cause to grant this application. Plaintiff VzB wishes me to be counsel on this matter because of my years of practice and experience. I have appeared as counsel in numerous cases in state courts and in the United States District Court for the Northern District of Oklahoma. I am fully familiar with the facts and legal issues of this case.

4. I have never been held in contempt of court, nor have I ever been censured, suspended or disbarred by any court.

5. I have read and am familiar with

- (a) the provisions of the Judicial Code which pertain to the jurisdiction of, and practice in, the United States District Courts;
- (b) the Federal Rules of Civil Procedure for the district courts;
- (c) the Rules of the United States District Court for the Southern District of New York;

- (d) the Federal Rules of Evidence for the United States Courts and Magistrates;
- (e) the Code of Professional Responsibility of the American Bar Association, and will faithfully adhere thereto.

6. As a part of my admission *pro hac vice*, I agree:

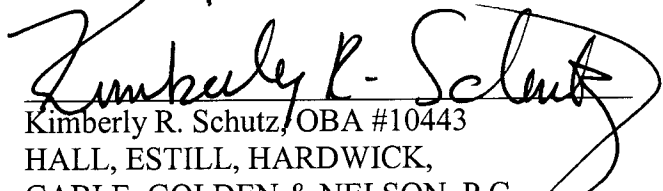
- (a) to be bound by all procedural rules and disciplinary rules governing the practice of law before this Court;
- (b) to advise the Court if I cease to be a member in good standing of the Bar of the State of Oklahoma;
- (c) to continue to work with New York counsel throughout the course of this case; and
- (d) to follow New York customs of practice.

7. I respectfully request that I be admitted to practice before this Court *pro hac vice* on behalf of the Plaintiffs pursuant to the proposed order annexed hereto.

I declare under penalty of perjury that the foregoing is true and correct.

Dated:

Jan. 4th, 2008


Kimberly R. Schutz, OBA #10443
HALL, ESTILL, HARDWICK,
GABLE, GOLDEN & NELSON, P.C.
320 South Boston Avenue, Suite 400
Tulsa, Oklahoma 74103-3708
(918) 594-0400

*Attorneys For Plaintiff
MCI Communications Services, Inc. d/b/a
Verizon Business*

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CERTIFICATE

STATE OF OKLAHOMA)

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Dan Murdock, being duly sworn, deposes and says:

That he is the General Counsel of the Oklahoma Bar Association, under the Rules Creating and Controlling the Oklahoma Bar Association as adopted and promulgated by the Supreme Court of the State of Oklahoma, and as such has access to the records and files showing the date of admission and the standing of all attorneys admitted to practice by the Supreme Court.

That KIMBERLY RENEE SCHUTZ, OBA #18652, was admitted to the practice of law by the Supreme Court of Oklahoma on September 28, 2000, and is an active member in good standing of the Oklahoma Bar Association.

Dan Murdock, General Counsel

Subscribed and sworn to before me this 2nd day of January, 2008.

NOTARY PUBLIC

My Commission Expires:

January 8, 2011

Commission Number:

07000304



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MCI COMMUNICATIONS SERVICES,
INC., d/b/a VERIZON BUSINESS,

Plaintiff,

v.

URBAN FOUNDATION COMPANY, INC.,

Defendant.

Civil Action No. 08-cv-0036 (VM)

ORDER

This matter coming before the Court on Plaintiff's MCI Communications Services, Inc., d/b/a Verizon Business' application for the admission of James J. Proszek, Esq. and Kimberly R. Schutz, Esq. as counsel *pro hac vice* in the within matter; and the Court having considered the application and certifications of said James J. Proszek, Esq. and Kimberly R. Schutz, Esq., and all papers previously on file in this matter; and good and sufficient cause having been shown;

IT IS on this _____ day of _____, 2008,

ORDERED that the application be and hereby is **GRANTED**; and it is further,

ORDERED that James J. Proszek, Esq. and Kimberly R. Schutz, Esq. of Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., be and hereby are **ADMITTED *PRO HAC VICE*** for the purpose of appearing on behalf of Plaintiff as co-counsel with Gibbons P.C. in the within matter. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at

nysd.uscourts.gov. Counsel shall forward the pro hac vice fee to the Clerk of Court.

U.S. DISTRICT COURT JUDGE _____

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